

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

vs.

TOWN OF NORTH BROOKFIELD,

Defendant.

Civil Action No. 03-40266-TSH

PLAINTIFF'S ALTERNATIVE MOTION FOR LEAVE TO RESPOND TO
DEFENDANT'S REPLY FACTS IF PLAINTIFF'S MOTION TO STRIKE IS DENIED

Plaintiff, American Manufacturers Mutual Insurance Company ("AMMIC"), has moved to strike Defendant's Reply To Plaintiff's Response To Defendant's Local Rule 56.1 Statement of Material Facts Not In Dispute And Statement Of Additional Facts In Opposition To Defendant's Motion For Partial Summary Judgment ("Town's Reply Facts")(docket entry no. 94). If AMMIC's motion to strike is *denied*, AMMIC hereby moves in the alternative for leave to respond to the Town's Reply Facts by way of the proposed Response attached hereto as Exhibit A.

As further grounds for its Motion, AMMIC submits its accompanying Memorandum of Law.

CERTIFICATION UNDER LOCAL RULE 7.1

The undersigned hereby certifies that counsel have conferred and have attempted in good faith to resolve or narrow the issue presented by this motion.

Respectfully submitted,

**AMERICAN MANUFACTURERS
MUTUAL INSURANCE COMPANY**

By its attorneys,

HOLLAND & KNIGHT LLP

/s/ Deborah S. Griffin

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Dated: March 3, 2006

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